

# **EXHIBIT 18**

**FILED UNDER SEAL PURSUANT  
TO PROTECTIVE ORDER**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL ROBOT ) Lead Case No.  
ANTITRUST LITIGATION ) 3:21-cv-03825-VC  
\_\_\_\_\_)  
THIS DOCUMENT RELATES TO: ) Case No.  
ALL CASES ) 3:21-cv-03496-VC  
\_\_\_\_\_)  
SURGICAL INSTRUMENT SERVICE ) \*\*HIGHLY CONFIDENTIAL\*\*  
COMPANY, INC., ) \*\*ATTORNEYS' EYES ONLY\*\*  
Plaintiff, )  
vs. )  
INTUITIVE SURGICAL, INC., )  
Defendant. )  
\_\_\_\_\_)

RULE 30(b)(6) VIDEOTAPED DEPOSITION OF INTUITIVE  
SURGICAL, INC., TESTIMONY OF MARSHALL MOHR  
TAKEN NOVEMBER 7, 2022

REPORTED REMOTELY BY:  
ANDREA L. CHECK, CSR No. 748, RPR, CRR  
Notary Public

1 (Break taken.)

2 VIDEOGRAPHER: The time is now 9:28. Back on  
3 the video record.

4 Q. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. [REDACTED]

9 Q. [REDACTED]

10 [REDACTED]

11 A. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 A. [REDACTED]

3 [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. [REDACTED]

16 Q. [REDACTED]

17 [REDACTED]

18 A. [REDACTED]

19 [REDACTED]

20 Q. [REDACTED]

21 [REDACTED]

22 A. [REDACTED]

23 Q. [REDACTED] [REDACTED]

24 [REDACTED]

25 [REDACTED]

1

MS. CAHOY: [REDACTED]

2

THE WITNESS: [REDACTED]

3

4

5

6

7

8

9

Q. [REDACTED]

10

11

12

A. [REDACTED]

13

Q. Are list prices set -- strike that.

14

15

16

A. [REDACTED]

17

Q. [REDACTED]

18

19

MS. CAHOY: [REDACTED]

20

THE WITNESS: [REDACTED]

21

22

23

24

Q. [REDACTED]

25

1 A. [REDACTED]

2 Q. [REDACTED]

3 [REDACTED]

4 A. [REDACTED]

5 MS. CAHOY: [REDACTED]

6 THE WITNESS: [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 Q. (BY MR. SNYDER) I was aiming to get at  
13 something a little different.

14 [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 [REDACTED]

18 Q. [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 A. [REDACTED]

22 Q. [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 Q. Is that an accurate statement?

2 A. Yes.

3 Q. And I'd note, if you look at the top, there's  
4 a date, January 18th, 2022 -- strike that.

5 I'd note that at the top of the document it's  
6 a date January 18th, '22.

7 Do you see that, Mr. Mohr?

8 A. I do.

9 Q. [REDACTED]

10 [REDACTED]

11 A. [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]

25 [REDACTED]

1

[REDACTED]

2

[REDACTED]

3

A. [REDACTED]

4

Q. Let's look at paragraph 4, please. And,

5

again, I'll read from paragraph 4. "Intuitive admits

6

that the SLSA prohibits customers from engaging in any

7

unauthorized third party to repair, refurbish, or

8

recondition instruments, including instruments with

9

EndoWrist technology."

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Did I read that correctly, Mr. Mohr?

11

A. Yes.

12

Q. As far -- as far as you're aware, is that an

13

accurate statement?

14

A. Yes.

15

Q. And understanding that you're designated to

16

testify on behalf of the surgical -- Intuitive Surgical

17

in connection with Topic 6, do you have any information

18

that would contradict that statement that I just read?

19

A. No.

20

Q. [REDACTED]

21

[REDACTED]

22

[REDACTED]

23

A. [REDACTED]

24

[REDACTED]

25

Q. [REDACTED]



1

2

3

A. [REDACTED]

4

5

6

Q. Let's turn, please, to -- back to the amended notice. And looking at Topic 20 -- and if you could let me know when you're there, Mr. Mohr.

7

A. Okay.

8

9

10

Q. At a high level, Topic 20 refers to the phase-out of the da Vinci S, Si, and Si-R robots; is that right?

11

A. That's correct.

12

13

Q. At one point I believe I had a note that you were, perhaps, going to testify on part of Topic 20.

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15

16

Are you testifying on behalf of Topic 20 generally, or is there a certain aspect that you're the company's designee?

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18

A. I believe to testify generally, not -- I don't know of anything --

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20

21

22

Q. Okay. I'm not trying to be tricky. I just wanted to make sure I -- you don't have another -- anyone else in mind that's going to be designated for Topic 20; is that fair?

23

24

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MS. CAHOY: Counsel, I'll represent that what we had said before was that there was testimony already from some of the individual depositions that we thought

1 covered certain aspects of this; but that's correct that  
2 there's no one else that --

3 MR. SNYDER: Okay. That's helpful. Thank  
4 you.

5 Q. (BY MR. SNYDER) Just as a general background,  
6 what's the current generation of da Vinci robot that's  
7 on the market?

8 A. The systems that are on the market today  
9 are -- well, generally characterized as fourth  
10 generation, which include an Xi, which is a multiport  
11 system where the arms come from above. A product called  
12 X where the arms come from the side, that's also a  
13 multiport system. A single-port system that is  
14 characterized as SP.

15 Q. What robots are considered the third  
16 generation? What robot or robots comprise the third  
17 generation of da Vinci robots?

18 A. Si.

19 Q. And what robot or robots comprise the second  
20 generation of da Vinci robots?

21 A. S.

22 Q. [REDACTED]

23 [REDACTED]

24 A. [REDACTED]

25 Q. [REDACTED]